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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,530	10/23/2000	Zaher Al-Sheikh	ZAS-10204/03	9685
25006	7590	02/09/2006	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C			DANG, DUY M	
PO BOX 7021			ART UNIT	PAPER NUMBER
TROY, MI 48007-7021			2627	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/694,530	AL-SHEIKH, ZAHER
	<b>Examiner</b>	<b>Art Unit</b>
	Duy M. Dang	2627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 November 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,3,5 and 7-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,3,5 and 7-9 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Applicant's amendment filed 11/23/05 has been entered and made of record.

Applicant's arguments with respect to the rejection(s) of claims 1, 3, 5, and 7-9 under section 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is presented in this office action.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 3, 5, and 7-9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5 and 14 of U.S. Patent No. 6,137,895 [referred as the patent '895 hereinafter]. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

As to claim 1, for example, this claim of the instant application is a broader recitation of the invention and the claims 1 and 14 of the patent '895 covers the equivalent subject matter as

that of claim 1 of the instant application. Specifically, each of the limitations of claim 1 of the instant application is set forth in claims 1 and 14 of the patent '895. While the patented claims 1 and 14 include additional limitations not set forth in claim 1 of the instant application, the use of transitional term "comprising" in the instant claim 1 fails to preclude the possibility of additional elements. Therefore, claim 1 of the instant application fails to define an invention that is patentably distinct from claim 1 of the patent '895.

As to claim 3, while the patented claims 1 and 14 do not specifically teach the use of color ink, using color ink is well known in the art (Official Notice) in order to visually improve the recognizing the image printed on the boarding pass therefore to enhance identity of the boarding pass bearer.

As to claim 5, while the patented claims 1 and 14 do not specifically teach the use of non-smudgeable ink, using non-smudgeable ink is well known in the art (Official Notice) in order to improve image quality thereby visually enhance the recognizing the image printed on the boarding pass therefore to enhance identity of the boarding pass bearer.

As to claim 7, for example, this claim of the instant application is a broader recitation of the invention and the claim 5 of the patent '895 covers the equivalent subject matter as that of claim 7 of the instant application. Specifically, each of the limitations of claim 7 of the instant application is set forth in claim 5 of the patent '895. While the patented claim 5 includes additional limitations not set forth in claim 7 of the instant application, the use of transitional term "comprising" in the instant claim 7 fails to preclude the possibility of additional elements. Therefore, claim 7 of the instant application fails to define an invention that is patentably distinct from claim 5 of the patent '895.

As to claims 8-9, for example, this claim of the instant application is a broader recitation of the invention and the claim 14 of the patent '895 covers the equivalent subject matter as that of claim 8 of the instant application. Specifically, each of the limitations of claim 8 of the instant application is set forth in claim 14 of the patent '895. While the patented claim 14 includes additional limitations not set forth in claim 8 of the instant application, the use of transitional term "comprising" in the instant claim 8 fails to preclude the possibility of additional elements. Therefore, claim 8 of the instant application fails to define an invention that is patentably distinct from claim 14 of the patent '895.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBrouse (US Patent No. 5,920,053).

Regarding claim 1, DeBrouse teaches a process for encoding a boarding pass with an image of a passenger to facilitate identify verification (see figure 1), comprising the steps of:

verifying the identity of the passenger prior to the boarding and at a location beyond security perimeter (see col. 3 line 67 to col. 4 line 1);  
taking an electronic image of the passenger with a camera capable of generating computer-storage image output (see camera 30 of figure 1 and col. 3 lines 58-60); and  
printing a human-cognizable image of the passenger directly onto said boarding pass (see col. 3 lines 62-63);

associating said computer storable image output with an individual travel datum of the passenger (see figure 5);

storing said computer-storage image output associated with said electronic image in a centralized database (see “airline computer system” mentioned in col. 3 lines 57-60).

DeBrouse fails to teach the features as recited in last three lines that of “retrieving said computer-storage image output as said human recognizable image on a video display in response to entry of an individualized travel datum of the passenger into a computer in communication with said centralized system”. However, using such features are well known in the art (Official Notice) in order to easily and speed up passenger identity checking.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the conventional teachings in combination with DeBrouse for that reasons.

Regarding claim 3, DeBrouse fails to teach the use of color ink, using color ink is well known in the art (Official Notice) in order to visually improve the recognizing the image printed on the boarding pass therefore to enhance identity of the boarding pass bearer.

As to claim 5, DeBrouse does not specifically teach the use of non-smudgeable ink, using non-smudgeable ink is well known in the art (Official Notice) in order to improve image quality thereby visually enhance the recognizing the image printed on the boarding pass therefore to enhance identity of the boarding pass bearer.

Regarding claim 7, DeBrouse teaches a travel boarding pass system for verifying the identity of a bearer (see figure 1) comprising: a self-support boarding pass having a human-cognizable image of the bearer printed thereon, the human-cognizable image being printed in an

ink color associated with a transport departure of the bearer (see col. 3 line 56 to col. 4 line 3 in together with "boarding pass" 120 of figure 1).

DeBrouse fails to teach the use of color ink, using color ink is well known in the art (Official Notice) in order to visually improve the recognizing the image printed on the boarding pass therefore to enhance identity of the boarding pass bearer.

Regarding claims 8-9, these claims are also rejected for the same reasons as set forth in claims 1 and 7 above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

dmd  
2/06

  
Duy M. Dang  
Patent Examiner